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November 5, 2013

Via Email and U.S. Mail

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Re: XimpleWare v. Versata et al.

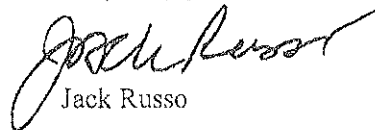
Dear Counsel:

Due to violations of our clients' rights that are now beyond any doubt, we have a larger set of issues to now discuss with you that will also impact timing of any deposition discovery of our client: Today, our client has authorized and we have filed with the Federal Court a new set of actions designed to assure that our client receives appropriate remedies for the violations of its copyrights as well as its other intellectual property rights.

Both of your clients are named in these actions. Courtesy copies of the filed pleadings are attached for your convenience. May I suggest that you both obtain authority from your respective clients to decide whether it would be advantageous to have the Court appoint an experienced Intellectual Property mediator (which can be done on an expedited basis in our district) for the purposes of ascertaining whether your clients would prefer to determine first whether a settlement resolution is appropriate and can be achieved quickly without full litigation. That may well be preferred and it may well preempt any need for any deposition testimony from our client.

Alternatively, if that is not of any interest, our client will be available for a single deposition in accordance with the Federal Rules on an agreed date and that deposition will be the one that all defendants will be asked to participate in since there will be simply a single deposition and not multiple depositions of our client. Please let us know your choice in the matter.

Very truly yours,


Jack Russo

Enclosures
cc: Client